

October 2023



## Statement of Environmental Effects

8 Goolma Road, Gulgong

Alterations to Existing Caravan Park

<b>Document Reference</b>	21- 822
<b>Document Title</b>	Statement of Environmental Effects
<b>Land and Proposal</b>	8 Goolma Road, Gulgong Lot 197 DP 755434 Lot 198 DP 755434 Lot 477 DP 755434  Alterations to Existing Caravan Park
<b>Proponent</b>	Gulgong Tourist Park c/- Heath Atchison
<b>Prepared by</b>	O'Ryan Geospatial Pty Ltd
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## **APPENDICES**

Appendix 1: Proposed Development Plans
Appendix 2: Aboriginal Heritage Information Management System (AHIMS) Search

## **PART A – PROPOSAL OVERVIEW**

### **1 INTRODUCTION**

O'Ryan Geospatial Pty Ltd (O'Ryan) has been engaged by the landowner to prepare a Statement of Environmental Effects (SEE) to describe and assess the permissibility of a proposed development against relevant legislative, environmental, and planning requirements. The SEE accompanies the development application (DA), seeking consent for the proposed development of the land being alterations to the Gulgong Tourist Park (Caravan Park).

The subject land is legally described as Lot 197 DP 755434, Lot 198 DP 75543 and Lot 477 DP 755434; 8 Goolma Road, Gulgong.

There are currently (by existing Council licence), 52 accommodation sites available at the Tourist Park: 9 long term sites, 37 short-term sites and 6 camp sites.

The purpose of the DA is to locationally relocate existing short-term sites and convert/relocate the 6 camp sites into short-term sites, totalling 43 short-term sites. 9 cabins (moveable dwellings) are also proposed on the revised short-term sites, including one (1) accessible building.

Minor earthworks will level and prepare relevant parts of the site for the proposed development.

The proposed development is consistent with the conditions of the existing lease approved by Council having regard to the proposed conversion of 6 camp sites to short-term accommodation sites: i.e., the site will retain a total of 52 accommodation sites.

The terms cabins and moveable dwellings are used interchangeably throughout this report as are the terms Gulgong Tourist Park and Caravan Park.

Additional tourist and local workers' short-term accommodation will be provided as a result of the proposed development, providing associated economic benefits to Gulgong as a whole.

Additional employment opportunities will also be provided.

The SEE is structured into two parts:

- Part A – provides an overview of the subject site and proposed development.
- Part B – evaluates the proposed development against relevant environmental planning and local government legislative frameworks.

### **2 SITE OVERVIEW**

The subject land is legally described as Lot 197 DP 755434, Lot 198 DP 755434 and Lot 477 DP 755434; 8 Goolma Road, Gulgong.

The location of the subject site is shown below in Figure 1.



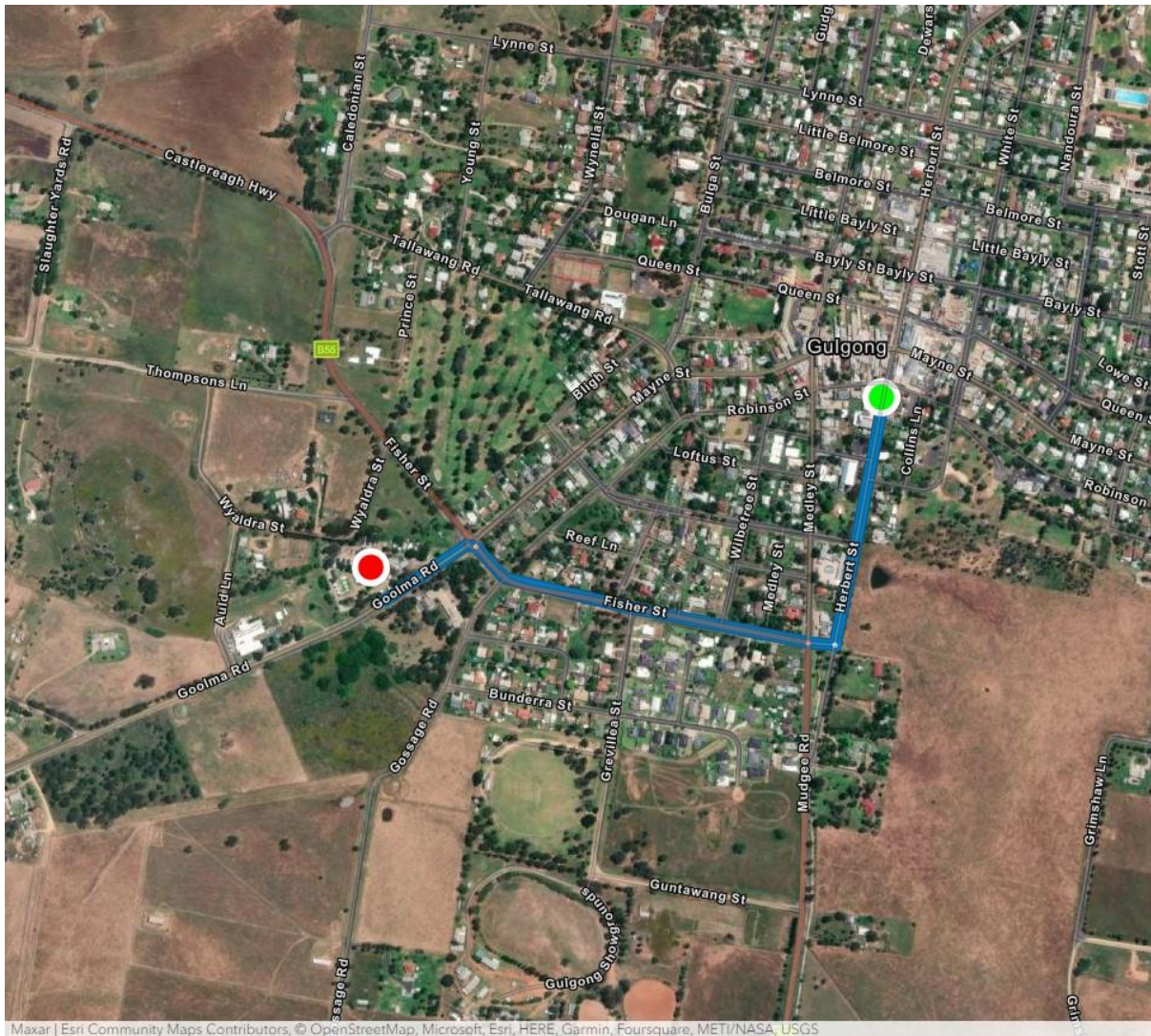


Figure 1: Site Location (Google Maps 2022)

An overview of site characteristics is provided below:

<b>Size</b>	1.79 hectares
<b>Shape</b>	Lot shape: irregular
<b>Frontage</b>	Dual frontage: Goolma Road and Wyaldra Street
<b>Terrain Features</b>	The subject site has a uniform gentle slope and is occupied by a number of juvenile native and exotic trees and shrubs. The majority of the property has, historically, been cleared for the purposes of the existing tourist park.
<b>Environmental Hazards</b>	The site is not flood prone nor has its history been associated with land uses which would cause potential contamination concerns.



**Surrounding Development**

The site is located adjacent to the Gulgong District Hospital and Multi-Purpose Centre. A number of rural pursuits are also located in the vicinity of the site.

**Built Environment**

**Existing Development:** The site is occupied by an existing tourist park (formerly known and approved as the Henry Lawson Caravan Park). The tourist park is primarily comprised of moveable dwellings and caravans. The site has formal access from Goolma Road.

**Access:** The site has legal access to both Goolma Road and to Wyaldra Street. Physical access is to Goolma Road.

**Servicing:** Reticulated water and sewer, electricity and fixed wireless NBN are available to the site. (Refer to further details at section 4.2 of this report).



**Figure 2: Aerial Photography**



**Plate 1: Typical Profile Short-term Accommodation Sites and Moveable Dwellings**





**Plate 2: Typical Profile Short-term Accommodation Sites and Moveable Dwellings**



**Plate 3: Proposed Location Short-Term Accommodation Sites**





**Plate 4: Proposed Location Short-term Accommodation Sites  
Adjoining Wyaldra Street (Juvenile Vegetation to be Removed)**



**Plate 5: View into the Tourist Park from Wyaldra Street**



### 3 EXISTING SITE DEVELOPMENT

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#### 3.1 HISTORY

The 'Henry Lawson Caravan Park' officially opened on 27 January, 1968.



**Plate 6: Official Opening Plaque; 27 January, 1968**

#### 3.2 APPROVALS

Existing historic development approvals for the caravan park are located in Council's records.

The caravan park has existed continuously for over 55 years and has existing use rights.

#### 3.3 LICENSES

There are currently (by Council licence), 52 accommodation sites available at the tourist park: 9 long term sites, 37 short-term sites and 6 camp sites.

## 4 PROPOSED DEVELOPMENT

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### 4.1 OVERVIEW

The proposed development intends the establishment of nine (9) short-term accommodation cabins (moveable dwellings), including one (1) accessible unit over nine (9) existing and proposed short-term accommodation sites. The six (6) camp sites currently available in the existing caravan licence are proposed to be converted to short-term accommodation sites.

In total, the tourist park proposes to operate with 43 short-term and 9 long term accommodation sites. The proposed development is consistent with the conditions of the existing lease approved by Council having regard to the proposed conversion of 6 camp sites to short-term accommodation sites; i.e., the site will retain a total of 52 accommodation sites.

A moveable dwelling is defined as:

*“(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or*

*(b) a manufactured home, or*

*(c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition”.*

(Source: Local Government Act, 1993)

The proposed external cabin cladding comprises hardiplank. Colourbond roofing is proposed.

Each cabin would be equipped with a bed, sitting area, ensuite and kitchenette sufficient to accommodate 2 people.

Proposed short-term site areas and moveable dwelling areas are illustrated in Appendix 1.

Small native trees and shrubs fronting Wyaldra Street are proposed to be removed to provide clear space for the development to occur (See Plate 4).

Minor earthworks will level and prepare relevant parts of the site for the proposed development.

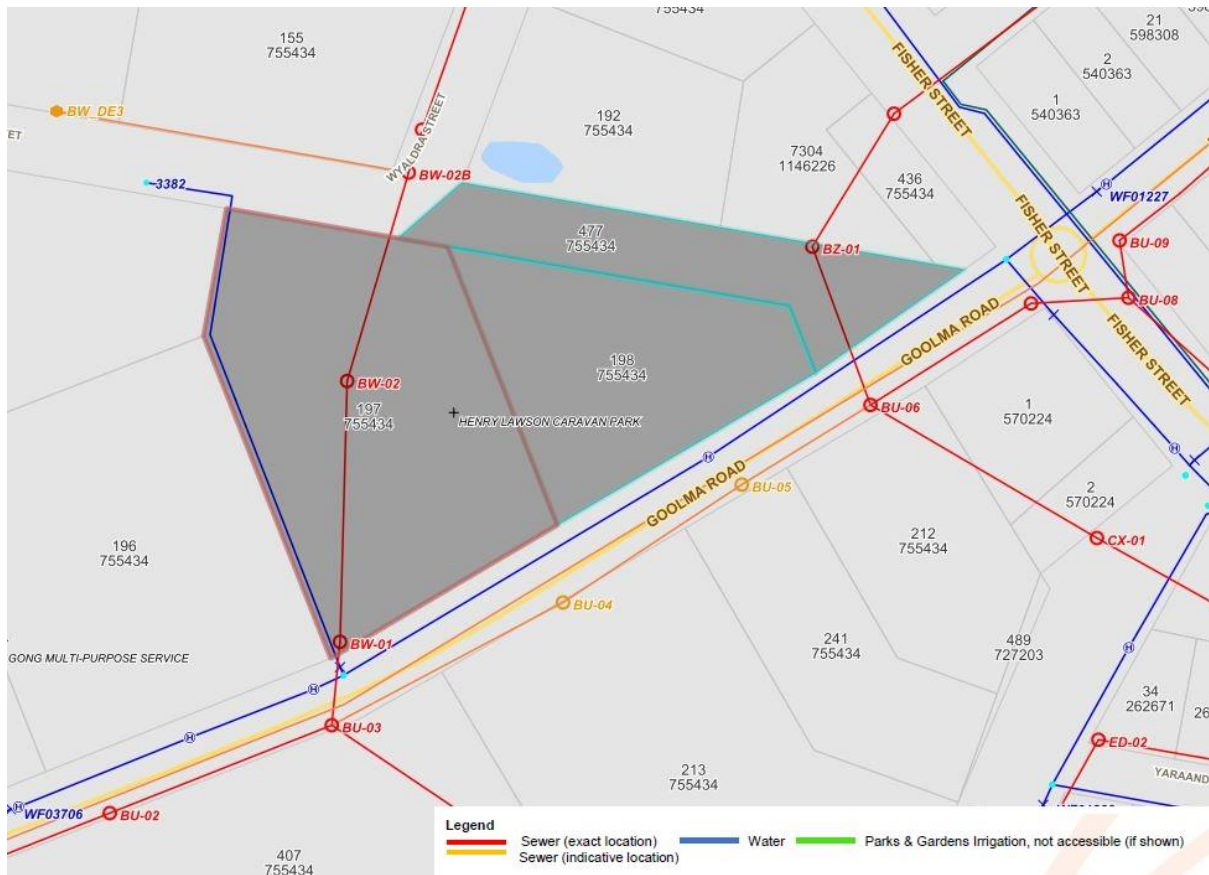
The proposed development will assist in meeting a shortfall in supply for short-term accommodation at the caravan park.

## 4.2 SERVICING

The proposed development will access and augment services currently available at the site. Details of the proposed servicing arrangements are outlined in Table 1.

**Table 1: Servicing Arrangements**

<b>Service</b>	<b>Proposed Arrangements</b>
<b>Access and Traffic</b>	<p>The site has an existing sealed ingress and egress at Goolma Road.</p> <p>No additional point of access is proposed.</p> <p>The proposed development will be serviced by the existing site vehicular and pedestrian circulation network.</p>
<b>Water supply</b>	<p>The site is serviced with reticulated water. Moveable dwellings will be linked to the existing reticulated water network. (Refer to figure 3).</p>
<b>Effluent disposal</b>	<p>The site has a reticulated sewerage network. Moveable dwellings will be linked to the existing reticulated sewerage network. (Refer to figure 3).</p>
<b>Waste disposal</b>	<p>Waste generated by the existing tourist park is collected by a contracted service and disposed of at a licensed waste management facility. Additional development will be integrated with this existing service.</p>
<b>Drainage and stormwater</b>	<p>Stormwater associated with the proposed development will be drained and discharged to the existing on-site stormwater network.</p>
<b>Electricity</b>	<p>The site has existing access to grid electricity infrastructure. (Refer to figure 4).</p> <p>The proposed development will be connected to that network.</p>
<b>Telecommunications</b>	<p>The site is located within the NBN network. A fixed wireless service is available to the site (Refer to figure 5).</p>



**Figure 3: Site Location of Existing Reticulated Water and Sewer**

8 Goolma Road, Gulgong  
Gulgong Tourist Park



**Figure 4: Site Location of Existing Electricity Network**





**Figure 5: NBN Services**

## **PART B - STATUTORY CONSIDERATIONS**

The NSW Planning system operates under the statutory requirements outlined by the EP&A Act. This section of the SEE evaluates the proposed development against relevant statutory obligations.

Development consent is sought through existing use right provisions (Part 4 section 4.11 of the *Environmental Planning & Assessment Act 1979* (the EP&A Act) and the *Environmental Planning & Assessment Regulation 2021*.

### **5 BIODIVERSITY CONSERVATION ACT 2016 & FISHERIES MANAGEMENT ACT 1994**

Part 1.7 of the EP&A Act requires the application of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* (FM Act). Part 7, Division 1, Section 7.2 of the BC Act requires consideration of whether the development or activity is "likely to significantly affect threatened species", viz:

*"(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if—*

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value".*

The subject site has been extensively cleared over time, enabling on-going establishment of the caravan park.

There is no high biodiversity vegetation existing at the site.

Small/juvenile native trees and shrubs fronting Wyaldra Street will need to be removed to accommodate the reconfigured short-term sites with proposed cabins.

The proposed development will not impact threatened species.

## **6 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(A) – STATUTORY PROVISIONS**

In determining a DA, the consent authority considers relevant legislative matters under section 4.15(1)(a) of the EP&A Act, viz:

*“(a) the provisions of:*

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) (Repealed)”.*

Those matters are considered as follows:

### **6.1 STATE ENVIRONMENTAL PLANNING POLICIES**

A discussion of the applicability of State Environmental Planning Policies (SEPPs) to the proposed development is outlined below in Table 2.

**Table 2: Evaluation Against State Environmental Planning Policies**

<b>STATE ENVIRONMENTAL PLANNING POLICY (SEPP) EVALUATION</b>	
<b>SEPP</b>	<b>Evaluation and Comment</b>
<a href="#"><u>SEPP (Biodiversity and Conservation) 2021</u></a>	<ul style="list-style-type: none"><li>- The provisions of the Biodiversity Offset Scheme are not relevant to the proposed development of the land.</li><li>- The proposed development does not contain trees listed under Council's DCP Section 4.7 – Tree Preservation Order.</li></ul> <p>Chapter 4 Koala Habitat 2021 applies to the site. The proposed development will not result in significant clearing with removal limited to small/juvenile native and exotic trees and shrubs fronting Wyaldra Street. This vegetation does not comprise koala habitat or koala feed trees.</p>



	The proposed development will therefore have no impact on koalas or their habitat.
<a href="#">SEPP (Building Sustainability Index: BASIX) 2004</a>	- Not applicable to moveable dwellings
<a href="#">SEPP (Exempt and Complying Development Codes) 2008</a>	- Not applicable
<a href="#">SEPP (Housing) 2021</a>	The proposed development is consistent with the requirements of SEPP (Housing) 2021: Part 9 Caravan Parks Refer to Table 3 below.
<a href="#">SEPP (Industry and Employment) 2021</a>	- Not applicable
<a href="#">SEPP No 65 Design Quality of Residential Apartment</a>	- Not applicable
<a href="#">SEPP (Planning Systems) 2021</a>	- Not applicable.
<a href="#">SEPP (Precincts—Regional) 2021</a>	- Not applicable
<a href="#">SEPP (Primary Production) 2021</a>	- Not applicable
<a href="#">SEPP (Resilience and Hazards) 2021</a>	<ul style="list-style-type: none"> <li>- The SEPP requires the planning authority to consider the potential of land contamination at the site under assessment.</li> <li>- The site is not listed on the NSW EPA public register of known contaminated sites. Current and historical land uses of the property are considered unlikely to have resulted in land contamination.</li> </ul>
<a href="#">SEPP (Resources and Energy) 2021</a>	- Not applicable.
<a href="#">SEPP (Transport and Infrastructure) 2021</a>	<ul style="list-style-type: none"> <li>- The proposed short-term accommodation sites and associated moveable dwellings are situated in excess of 130 metres from Goolma Road and will be serviced by the additional vehicular access from Goolma Road. No additional access is proposed to Goolma Road or to Wyaldra Street. The proposed development will not be impacted by excessive noise or vehicle emissions associated with passing traffic on Goolma Road.</li> </ul>

	<ul style="list-style-type: none"> <li>- Not listed under Schedule 3 – Traffic Generating developments. The proposed development will not cause significant noise/vehicular impacts to existing development located close to Goolma Road</li> </ul>
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**Table 3: Evaluation Against SEPP (Housing) 2021: Part 9 Caravan Parks**

SEPP Provision	Evaluation/Comment
<p><b>126 Aims, objectives etc</b></p> <p>(1) The aim of this Part is to encourage—</p> <p>(a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</p> <p>(b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</p> <p>(c) the provision of community facilities for land so used, and</p> <p>(d) the protection of the environment of, and in the vicinity of, land so used.</p> <p>(2) The strategies by which that aim is to be achieved are—</p> <p>(a) by requiring that development consent be obtained from the local Council for development for the purposes of caravan parks, and</p> <p>(b) by providing that development consent may be granted that will authorise the use of sites for short-term stays (whether or not by tourists) or for long-term residential purposes, or for both, and</p> <p>(c) by requiring that development consent be obtained from the local Council for the subdivision of land for lease purposes under section 289K of the <i>Local Government Act 1919</i>.</p>	<p>The proposed development is consistent with the aims and objectives of clause 126 of the SEPP.</p>
<p><b>127 Land to which this Part applies</b></p> <p>This Part applies to all land in the State that is within a local government area.</p> <p>This Part does not apply to—</p> <p>land to which <i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i> applies, or</p>	<p>Part 9 of the SEPP is relevant to the proposed development of the land.</p>

land less than 18 kilometres from the Siding Spring Observatory within the meaning of clause 5.14 of the standard local environmental planning instrument prescribed by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	
<p><b>128 Relationship to other environmental planning instruments</b></p> <p>In the event of an inconsistency between this Part and another environmental planning instrument (whether made before or after this Part) this Part prevails to the extent of the inconsistency. This subsection is subject to section 36 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>This Part repeals <i>State Environmental Planning Policy No 21—Movable Dwellings</i>.</p> <p>This Part amends <i>State Environmental Planning Policy No 26—Littoral Rainforests</i> by omitting clause 10(5).</p> <p>Nothing in Chapter 3, Part 8 prevents development consent from being granted pursuant to this Part for the use of land as a caravan park in which manufactured homes are or are to be installed or placed.</p>	Noted.
<p><b>129 Definition</b></p> <p>In this Part—</p> <p><b>caravan park</b> means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed, but does not include farm stay accommodation.</p> <p><b>moveable dwelling</b> has the same meaning as it has in the <i>Local Government Act 1993</i>.</p>	Noted.
<p><b>130 Application of certain planning controls to places licensed for moveable dwellings</b></p> <p>In any environmental planning instrument (whether made before or after this Part), references (however expressed) to caravan parks or to camping grounds, or to caravan parks and camping grounds, include references to caravan parks, within the meaning of this Part.</p>	Noted.
<p><b>131 Development consent required for caravan parks</b></p> <p>(1) Development for the purposes of a caravan park may be carried out only with the development consent of the Council.</p>	<p>Noted.</p> <p>The proposed development is consistent with the conditions of the</p>

<p>(2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine—</p> <p>(a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the <i>Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993</i>, and</p> <p>(b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.</p> <p>(3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.</p> <p>(4) The holder of an approval under Part 1 of Chapter 7 of the <a href="#">Local Government Act 1993</a> to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land—</p> <p>(a) for a continuous period of more than 3 months, except as provided by paragraph (b), or</p> <p>(b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19(6) of the <i>Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993</i>,</p> <p>if such a use of that site was not lawful under the <a href="#">Environmental Planning and Assessment Act 1979</a> when this Part commenced.</p> <p>(4A) Except as provided by subsection (4), nothing in this Part or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.</p> <p>(5) This section does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to Chapter 3, Part 8 or dedicated or reserved under the <a href="#">National Parks and Wildlife Act 1974</a>.</p>	<p>existing lease approved by Council having regard to the proposed conversion of 6 camp sites to short-term accommodation sites.</p>
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<p>132 Subdivision of caravan parks for lease purposes</p> <p>(1) Land may be subdivided for lease purposes under section 289K of the Local Government Act 1919, but only with the development consent of the Council.</p> <p>(2) A Council must not grant such a development consent unless the Council is satisfied that each of the lots intended to be created for lease purposes by the proposed subdivision meets the requirements of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 for a site to be used for long-term residence.</p> <p>(3) Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Part) does not apply to a subdivision for lease purposes under section 289K of the <i>Local Government Act 1919</i>.</p> <p>(4) This section does not apply to land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to Chapter 3, Part 8 or that has been reserved or dedicated for any public purpose under the <i>Crown Land Management Act 2016</i>.</p>	<p>Not applicable.</p>
<p>133 Matters to be considered by Councils</p> <p>A Council may grant a development consent required by this Part only after it has considered the following—</p> <p>(a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,</p> <p>(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,</p> <p>(c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,</p> <p>(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,</p> <p>(e) any relevant guidelines issued by the Director, and</p> <p>(f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.</p>	<p>The land is utilised by an existing caravan park intended for the purposes of short-term and long-term accommodation.</p> <p>Necessary community facilities and services are readily available to all existing and proposed occupants within the caravan park.</p>

## 6.2 LOCAL ENVIRONMENTAL PLAN

The proposed development has been assessed against the *Mid-Western Regional Local Environmental Plan 2012* (LEP).

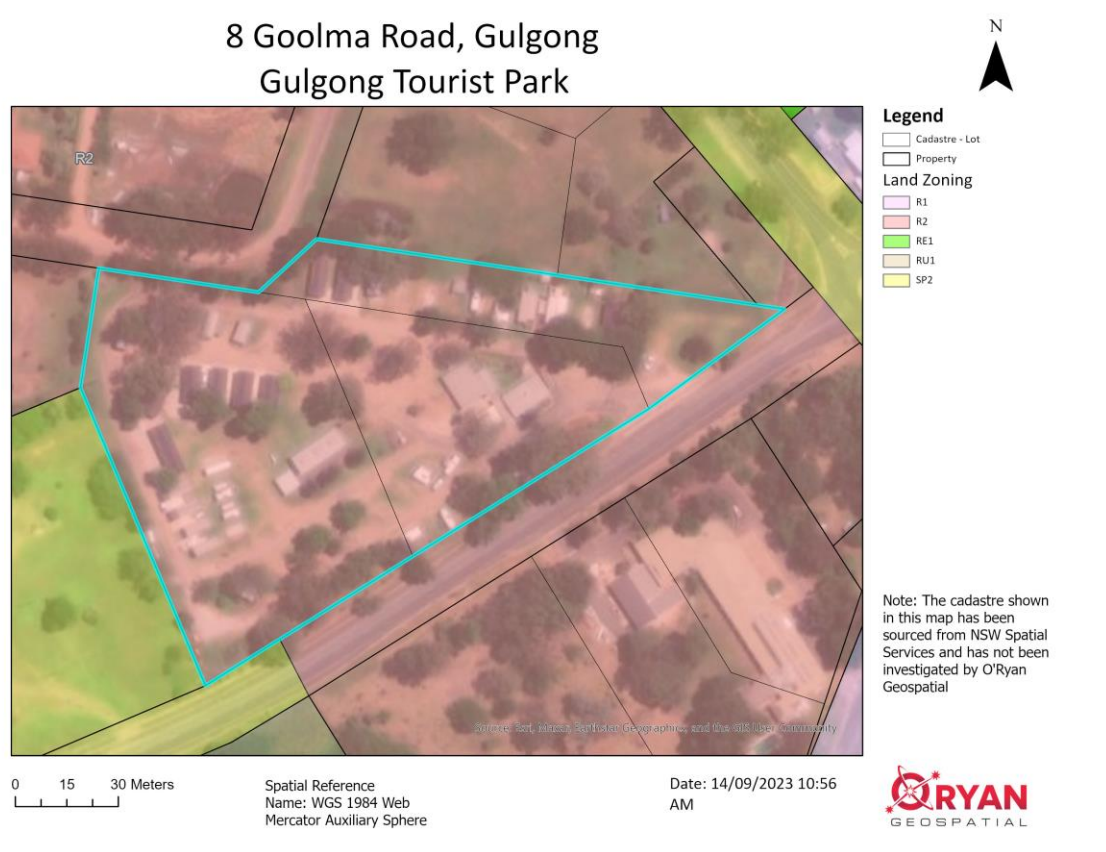
### 6.2.1 Land Use Characterisation

The proposed development seeks alteration to an existing caravan park. The LEP defines a caravan park as:

**“caravan park** means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation”.

### 6.2.2 Zoning and Permissibility

The subject site is zoned R2 Low Density Residential pursuant to the LEP. Refer to Figure 6.



**Figure 6: Land Zoning (Mid-Western Regional LEP 2012)**

The land use table to Part 2 of the LEP specifies as follows, viz:

#### **“Zone R2 Low Density Residential**

##### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.



- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

## **2 Permitted without consent**

*Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems*

## **3 Permitted with consent**

*Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health consulting rooms; Home industries; Hospitals; Hostels; Information and education facilities; Markets; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Signage; Tank-based aquaculture; Water recycling facilities; Water storage facilities*

## **4 Prohibited**

*Advertising structures; Attached dwellings; Dual occupancies (detached); Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Semi-detached dwellings; Any other development not specified in item 2 or 3".*

A caravan park is a prohibited land use in the R2 Low Density Residential Zone. Despite the fact that a caravan park is prohibited in the R2 zone, the proposed development is consistent with the objectives of the zone and supports the existing use of the caravan park on the site.

Proposed alterations to the caravan park need to be addressed with consideration of existing use rights as detailed by clause 164 of the Environmental Planning & Assessment Regulation 2021, viz:

### **"164 Enlargement, expansion and intensification of existing uses**

- (1) Development consent is required for any enlargement, expansion or intensification of an existing use.
- (2) The enlargement, expansion or intensification must be—
  - (a) for the existing use and for no other use, and
  - (b) carried out only on the land on which the existing use was carried out immediately before the relevant day".

Comment:

The proposed development of the land relates to the existing use of the land as a caravan park. The proposed development of the land will be carried out on the land to which the existing use has prior development consent.

The tourist park has been in continual use for over 55 years since its inception in 1968 on the same locational premises and land as the development is proposed.

### 6.2.3 Height

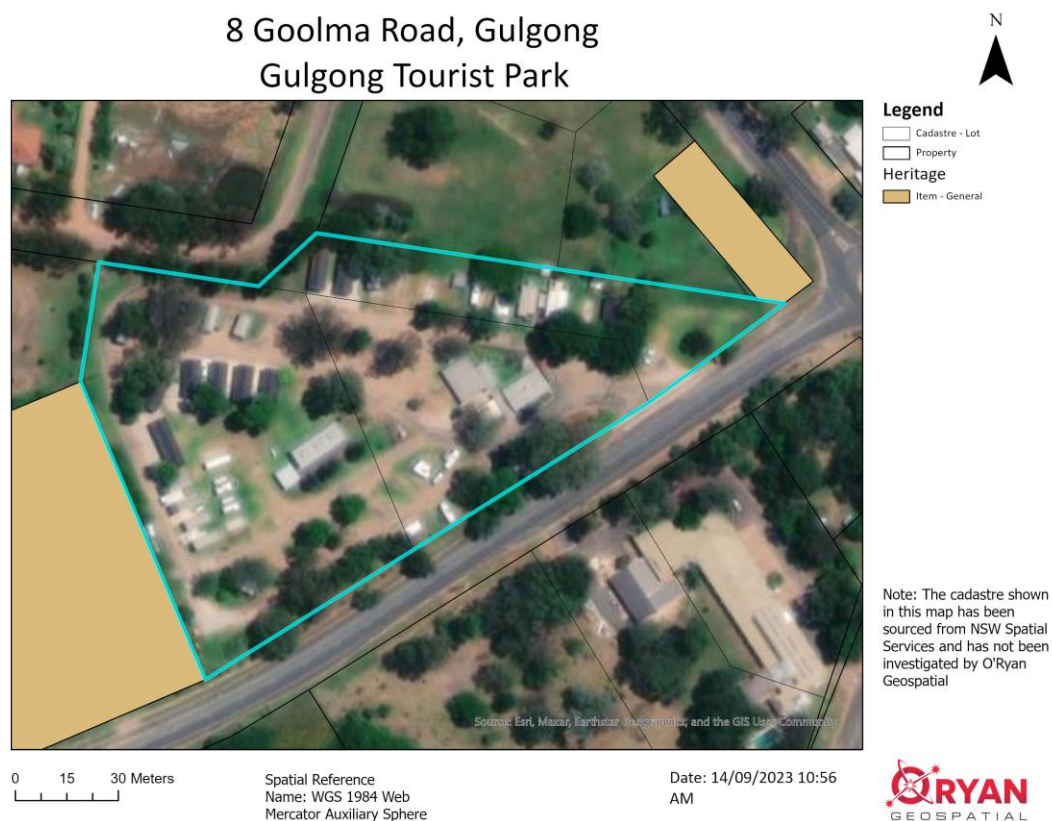
The maximum allowable building height at the site is 8.5 metres.

All moveable dwellings (including the accessible cabin) have a ceiling height of 3.116 metres and a maximum gable height well below 8.5 metres, complying with Council's LEP.

### 6.2.4 Aboriginal Archaeology and European Heritage Conservation

An AHIMS report (see Appendix 2) establishes that there are no known Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

The subject site is located outside the Gulgong Heritage Conservation Area and does not contain an item of local or State heritage significance listed under Schedule 5 of the LEP.



**Figure 7: Adjoining Items of Local Heritage Significance**

There are two (2) adjoining items listed in the LEP as having local heritage significance:

1. Item Number 1312 Gulgong District Hospital (Lot 196 DP 755434; south-west of the site); and
2. Item Number 1311 House (Lot 436 DP 755434; north-east of the site).

Item 2 is no longer in existence.

The proposed development will not impact item 1.

The proposed development will have no impact on European Heritage.

#### **6.2.5 Flood Planning**

The subject site is not located within the Flood Planning Area identified in the LEP.

#### **6.2.6 Salinity**

The subject site is not identified as being affected by high salinity and the proposed development is otherwise unlikely to influence salinity processes.

#### **6.2.7 Earthworks**

Minor earthworks are associated with the proposed development of the site, providing utility services. Soil erosion and sedimentation procedures will be employed as necessary and relevant.

#### **6.2.8 Groundwater Vulnerability**

The LEP does not identify the site as being 'groundwater vulnerable'. The proposed development of the land will not significantly impact groundwater.

#### **6.2.9 Terrestrial Biodiversity**

Small native trees and shrubs fronting Wyaldra Street are proposed to be removed to provide clear space for the development to occur.

The proposed development will not significantly impact biodiversity at the site.

#### **6.2.10 Essential Services**

LEP clause 6.9 requires that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. Essential services include:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or onsite conservation,
- (e) suitable road access.

Section 4.2 of this report describes the existing arrangements for the provision of services to the development. All essential services are available for augmentation to the proposed development.

### **6.3 PROPOSED INSTRUMENTS**

There are no draft environmental planning instruments directly relevant to the proposed development of the land.

### **6.4 MATTERS PRESCRIBED UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2021**

Clause 61 outlines additional matters that the consent authority must consider. No relevant matters have been identified.

## 6.5 DEVELOPMENT CONTROL PLAN

Compliance with relevant Mid-Western Regional Development Control Plan 2013 (DCP) requirements is discussed below.

Table 4 – DCP Evaluation		
Provision	Compliance? (Y/N)	Evaluation and Comment
Car Parking		
Other Uses Other uses not listed in this Development Control Plan shall be assessed individually having regard to the expected traffic generation.	Yes	The proposed development accommodates one (1) car parking space per short-term accommodation site, sufficient for the purposes of the development.

## 7 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(B) – IMPACTS

Section 4.15(1)(b) of the EP&A Act requires consideration of the likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality.

### 7.1 ENVIRONMENTAL IMPACTS

#### 7.1.1 Ecological Considerations

Small native trees and shrubs fronting Wyaldra Street are proposed to be removed to provide clear space for the development to occur.

The proposed development will not significantly impact biodiversity at the site.

#### 7.1.2 Soil and Water

Minor earthworks are associated with the proposed development of the land. Soil erosion and sedimentation procedures will be employed as necessary and relevant.

The proposed development will have minimal impact on soil and water.

#### 7.1.3 Air Quality and Noise

No significant air quality or noise impacts will occur as a result of the proposed development of the land.

#### 7.1.4 Access, Transport and Traffic

The subject site is located within an established area, serviced by a Council maintained sub-arterial road.

The development of the property is not anticipated to give rise to any adverse impacts associated with traffic movement, safety, or off-street parking.

## **7.2 SOCIAL AND ECONOMIC IMPACTS**

### **7.2.1 Context and Setting**

The subject site is located on the periphery of an established residential area, to the north-east of the Gulgong District Hospital/Multi-Purpose Centre and generally to the east of rural lifestyle and agricultural pursuits.

The proposed development of the site within an existing caravan park and in the manner proposed is considered unlikely to result in land use conflict with the surrounding properties.

### **7.2.2 Privacy, Views and Solar Access**

The proposed development of the land will have no significant impact on neighbouring residents' privacy or views.

### **7.2.3 European Heritage**

The subject site is located outside the Gulgong Heritage Conservation Area and does not contain an item of local or State heritage significance listed under Schedule 5 of the LEP.

There are two (2) adjoining items listed in the LEP as having local heritage significance:

1. Item Number 1312 Gulgong District Hospital (Lot 196 DP 755434; south-west of the site); and
2. Item Number 1311 House (Lot 436 DP 755434; north-east of the site).

Item 2 is no longer in existence.

The proposed development will not impact item 1.

The proposed development will have no impact on European Heritage.

### **7.2.4 Aboriginal Cultural Heritage**

Minor earthworks are associated with the proposed development of the land.

An AHIMS report (see Appendix 2) establishes that there are no known Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

### **7.2.5 Additional Short-Term Accommodation and Economic Benefits to Gulgong**

Additional tourist and local workers' short-term accommodation will be provided as a result of the proposed development, also providing associated economic benefits to Gulgong as a whole.

### **7.2.6 Employment Opportunities**

The caravan park currently employs eight (8) people; two (2) full-time and six (6) casual roles, all associated with park management. Two (2) of the existing casual

positions will be converted to full-time positions and a further three (3) casuals will be employed for park management purposes.

### **7.3 CUMULATIVE IMPACTS**

Cumulative impacts result when individual impacts of a development interact or accumulate to result in environmental degradation. The following typical scenarios have been considered:

- Temporal crowding involves a series of impacts occurring closely together in time such that the initial impact has not yet dispersed before the next impact occurs
- Spatial crowding occurs when impacts occur closely together in space such that the impacts overlap
- Compounding effects occur when a range of impacts interact and result in a combined impact greater than the sum of the separate effects.

The proposed development will have an insignificant cumulative impact.

## **8 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(C) - (E) - SITE SUITABILITY AND PUBLIC INTEREST**

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### **8.1 IS THE PROPOSAL SUITABLE FOR THE LOCALITY?**

The proposed development of the land will enable additional short-term accommodation opportunities at the existing tourist park consistent with the objectives of the R2 Low Density Residential zone. Accommodation will primarily service the requirements of both tourists and local workers.

### **8.2 IS THE SITE APPROPRIATE FOR THE PROPOSED DEVELOPMENT?**

Notwithstanding the fact that caravan parks are prohibited land uses in the R2 Low Density Residential zone, the proposed development will enable additional short-term accommodation consistent with the existing tourist park and R2 zone objectives and permissible with existing-use rights.

Given the minor nature of works associated with the proposed development of the land, no significant environmental impact is anticipated.

### **8.3 IS THE PROPOSAL IN THE PUBLIC INTEREST?**

The proposal is in the public interest providing an ability to create additional accommodation and employment opportunities.

There are no significant adverse environmental or likely future social impacts associated with the proposed development of the land.



## 9 LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2021

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (the Regulation) is relevant to the proposed development of the land, specifically:

### Part 3 Caravan parks, camping grounds and moveable dwellings:

Division 1 Application of Part

70 Application of Part

This Part applies to—

- (a) the operation of caravan parks and camping grounds, and
- (b) the installation of moveable dwellings, including manufactured homes, in caravan parks, camping grounds and a place other than a manufactured home estate.

The relevant provisions of the Regulation are evaluated in Table 5.

**Table 5: Evaluation Against Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021: Part 3 Caravan Parks, Camping Grounds and Moveable Dwellings**

Relevant Clause	Evaluation/Comment
<b>85 Size of dwelling sites and camp sites</b> A long-term site must have an area of at least 80 square metres. A short-term site must have an area of at least 65 square metres. A camp site must have an area of at least— for a camp site for which a separate parking space is provided within 30 metres of the camp site—40 square metres, or otherwise—50 square metres.	All proposed short-term sites are well in excess of 65m <sup>2</sup> See Appendix 1
<b>87 Dwelling sites to have road frontage</b> A dwelling site must have vehicular access to an access road.	All proposed sites have vehicular access to an existing access road. See Appendix 1
<b>89 Setbacks of dwelling sites from road frontages</b> A dwelling site or camp site must not be located closer than— 10 metres to a public road, or 3 metres to another boundary of the caravan park or camping ground. The council may allow a lesser distance if satisfied the dwelling site or camp site has been or will be properly screened, fenced, enclosed or otherwise treated.	Proposed moveable dwellings on each of the proposed short-term accommodation sites are within 10 metres of Wyaldra Street, a local Council maintained road. Proposed short-term accommodation sites and associated moveable dwelling setbacks are 3 metres from Wyaldra Street. See Appendix 1

	<p>Given the isolated nature of surrounding rural development on the Wyaldra Street frontage and associated locational separation from the proposed development site as well as the extremely low vehicular volumes of traffic on Wyaldra Street, it is considered that variation to the 10 metre setback will cause no issues to visual amenity impacts nor potential land use conflict.</p> <p>We seek a variation to the Regulation standard on that basis.</p> <p>Access structures (ramp) to proposed cabin 1 (accessible cabin) are located 3 metres from the western boundary of the caravan park site, satisfying the requirements of the Regulation.</p>
<p><b>91 Separation distances</b></p> <p>A moveable dwelling must not be installed within the following distance of another moveable dwelling—</p> <p>if located on a long-term site—3 metres, or</p> <p>if located on a short-term site or camp site—2.5 metres.</p> <p>This section does not prohibit the installation of semi-detached relocatable homes on adjoining dwelling sites if they are separated by construction complying with the fire safety and sound insulation provisions in the <i>ABCB Housing Provisions Standard</i>, Parts 9.3 and 10.7 for class 1 buildings.</p>	<p>Proposed moveable dwellings on short-term accommodation sites are separated by 2.5 metres, complying with the requirements of the Regulation.</p> <p>See Appendix 1.</p>
<p><b>126 Garbage removal</b></p> <p>Arrangements specified in an approval must be implemented and maintained—</p> <p>for the removal of garbage, and</p> <p>to keep garbage receptacles in a clean and sanitary condition.</p>	<p>Domestic waste generated by the existing tourist park is collected by a contracted service and disposed of at a licensed waste management facility.</p> <p>Proposed moveable dwellings on short-term sites will also require provision of domestic waste in association with the current service to the site.</p>

## 10 CONCLUSION

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The proposed development has been assessed against the requirements of Section 4.15 of the EP&A Act and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021: Part 3 Caravan Parks, Camping Grounds and Moveable Dwellings.

This report has established that:

- The proposed development of the land is permissible with Council consent subject to the provisions of existing use rights (*Environmental Planning & Assessment Act, 1979*)
- The proposal development is consistent with the relevant objectives of the Mid-Western Regional Local Environmental Plan 2012 R2 Low Density Residential zone
- The proposal development is consistent with the relevant provisions of Mid-Western Regional Development Control 2013
- The proposed development has no significant adverse environmental or social impacts
- A proposed variation to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (clause 89: Setbacks of dwelling sites from road frontages) is sought from Council on the basis of details prescribed in this report. Otherwise, the proposed development satisfies the relevant requirements of the Regulation.
- The proposed development will add to short-term accommodation opportunities in the Gulgong locality
- The proposed development will add to employment opportunities in the Gulgong locality
- The proposed development is in the public interest

The development application has merit and is considered worthy of Council's approval.